

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIKING TECHNOLOGIES, LLC,

Plaintiff,

v.

ASSURANT, INC.,

Defendant.

JURY TRIAL DEMANDED

C.A. No. 2:20-cv-00357-JRG
LEAD CASE

VIKING TECHNOLOGIES, LLC,

Plaintiff,

v.

ASURION, LLC,

Defendant.

C.A. No. 2:20-cv-00358-JRG

**VIKING TECHNOLOGIES, LLC’S UNOPPOSED MOTION FOR LEAVE TO FILE A
RESPONSE BRIEF IN EXCESS OF THE PAGE LIMIT**

Plaintiff Viking Technologies, LLC (“Viking”) files this Unopposed Motion to Exceed the Page Limit for a Response to Defendant Asurion, LLC’s (“Asurion”) Motion to Exclude Certain Opinions of Dr. Kenneth Serwin (Dkt. 144), and shows the Court as follows:

1. Pursuant to the Court’s Third Amended Docket Control Order (Dkt. 134), on November 29, 2021, Viking filed a response brief (Dkt. 151) to Asurion’s Motion to Exclude Certain Opinions of Dr. Kenneth Serwin (Dkt. 144). Because Asurion’s motion was non-dispositive, Viking’s response should have been limited to fifteen pages under Local Rule CV-7(a)(2).
2. Viking’s response brief (Dkt. 151) is eighteen and one-third pages in length exclusive of the cover page, table of contents, table of authorities, and signature block. The filing of the

response brief, in excess of the page limit and without first obtaining leave of Court, was done inadvertently and without intent to violate the Court's rules.

3. The response brief exceeds the fifteen-page limit by approximately three and one-third pages. Viking believes the extra pages were necessary to address the complexity of the issues involved with Viking's expert's reasonable royalty calculations in this case and, in particular, the nexus of Viking's infringement allegations with a cost savings approach to damages calculations.

4. Viking respectfully requests that the Court grant this Unopposed Motion for Leave, and grant leave to allow Viking's response brief as presently filed. Should the Court be inclined to deny Viking's request, Viking alternatively requests leave to file an amended response brief adhering to the fifteen-page limit under Local Rule CV-7(a)(2).

5. Viking has conferred with counsel for Asurion regarding the relief requested herein, and counsel for Asurion has indicated that Asurion is UNOPPOSED.

For the foregoing reasons, Viking respectfully requests that the Court grant this Unopposed Motion for Leave, and allow Viking's response brief to stand as-filed and in excess of the fifteen-page limit under Local Rule CV-7(a)(2), or, in the alternative, to allow Viking to file an amended response brief that does not exceed the fifteen-page limit under Local Rule CV-7(a)(2).

Dated: December 10, 2021

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CERTIFICATE OF CONFERENCE

The undersigned certifies that undersigned personally conferred with counsel for Asurion regarding the relief requested herein, and counsel for Asurion indicated that Asurion is UNOPPOSED to the relief requested in this Motion.

By: /s/ Mark S. Raskin
Mark S. Raskin

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all CM/ECF participants.

By: /s/ Mark S. Raskin
Mark S. Raskin